

Chairman and CEO, BellSouth Corporation, Atlanta, GA; James F. Geiger, President and CEO, Cbeyond Communications, Atlanta, GA; and Jonathan L. Rubin, Senior Research Fellow, American Antitrust Institute, Washington, DC.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. WARNER. Mr. President, I ask unanimous consent that on Thursday, June 22, 2006, at 9:30 a.m. the Subcommittee on Clean, Air, Climate Change, and Nuclear Safety be authorized to hold an oversight hearing on the regulatory processes for new and existing nuclear plants.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, June 22, 2006, at 2:30 p.m. for a field hearing regarding "Lessons Learned? Assuring Healthy Initiatives in Health Information Technology."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 22, 2006 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 574, a bill to amend the Quenebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act; S. 1387, a bill to provide for an update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize the undertaking of a special resource study of sites and landscape features within the corridor, and to authorize additional appropriations for the corridor; S. 1721, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; S. 2037, a bill to establish the Sangre De Cristo National Heritage Area in the State of Colorado, and for other purposes; and S. 2645, a bill to establish the journey through Hallowed Ground National Heritage Area and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE, TOURISM, AND ECONOMIC DEVELOPMENT

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation Subcommittee on Trade, Tourism, and Economic Development be authorized to meet on Thursday, June 22, 2006, at 10 a.m. on the state of the U. S. Tourism Industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that Bill LaDuke, a legal intern in my office, be granted the privilege of the floor during my remarks on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Air Force MAJ Stephen Purdy be granted the privilege of the floor during the debate on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Chris Thompson, a Marine fellow in the office of Senator BILL NELSON, be granted the privilege of the floor during further consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTING THE ENROLLMENT OF THE CONFERENCE REPORT TO ACCOMPANY H.R. 889

Mr. WARNER. On behalf of the leadership, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 103 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 103) correcting the enrollment of the bill H.R. 889.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 103) was agreed to, as follows:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 889, the Clerk of the House of Representatives shall make the following corrections:

(1) In the table of contents in section 2, strike the item relating to section 414 and insert the following:

"Sec. 414. Navigational safety of certain facilities."

(2) Strike section 414 and insert the following:

"SEC. 414. NAVIGATIONAL SAFETY OF CERTAIN FACILITIES.

"(a) CONSIDERATION OF ALTERNATIVES.—In reviewing a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), not later than 60 days before the date established by the Secretary of the Interior for publication of a draft environmental impact statement, the Commandant of the Coast Guard shall specify the reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety with respect to the proposed lease, easement, or right-of-way and each alternative to the proposed lease, easement, or right-of-way considered by the Secretary.

"(b) INCLUSION OF NECESSARY TERMS AND CONDITIONS.—In granting a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), the Secretary shall incorporate in the lease, easement, or right-of-way reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety."

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

Mr. STEVENS. Mr. President, I rise today to endorse passage of the Coast Guard and Maritime Transportation Act of 2006. However, I would like to clarify several points with regard to section 414 of the conference report. This section deals with construction of offshore wind energy facilities in the area off the coast of Massachusetts known as Nantucket Sound, and it will require the Secretary of the Interior to incorporate any "reasonable terms and conditions the Commandant of the Coast Guard determines to be necessary to provide for navigational safety." Interpretation of this clause will be critical to ensuring that navigation, aviation, and communications are not adversely impacted by construction of such a facility.

A company known as Cape Wind, LLC has proposed the permanent installation of 130 wind turbines, each reaching 417 feet in height, on 24 square miles of Nantucket Sound in an area surrounded by three commercial airports, two busy ferry routes, and a major shipping channel. The area is heavily utilized by commercial fishermen and recreational boaters as well. Perhaps most importantly, the project would be situated less than 15 miles from the only PAVE/PAWS missile defense radar station on the entire eastern seaboard. Studies conducted in and around offshore wind farms in Britain have shown that these installations can have adverse impacts on radar for boats, aircraft, and air traffic controllers, and they may pose a hazard to navigation.

It must be left up to the Commandant of the Coast Guard to decide what is necessary to prevent negative impact to navigation, aviation, and communications caused by the proposed wind farm. We trust the Commandant to act responsibly and only

prescribe reasonable terms and conditions. If someone wants to challenge his decision as unreasonable, they will have to raise the matter in court. It will be up to the courts, not the Secretary of the Interior, to decide if the Commandant's terms and conditions are unreasonable.

Further, we must remain open to the possibility that the Commandant may find that no amount of mitigation could be sufficient to eliminate the potential detrimental effects of the specific siting of this development. If the final determination of the Commandant is that the proposed siting is unacceptable, the Secretary must abide by that decision as well, and therefore fail to issue a permit, lease, easement, or right-of-way that would allow the facility to be constructed on the proposed site.

The arrangement dictated by section 414 of this bill has precedence in the procedure for granting hydroelectric licenses under the Federal Power Act. This process requires the Federal Energy Regulatory Commission to include in the terms and conditions of its licenses for hydroelectric licenses any conditions deemed necessary to protect the interests of other agencies. The United States Supreme Court determined that such conditions had to be "reasonable" and the reasonability of the conditions was a matter to be determined by the courts, not the Commission.

I support development of renewable sources of energy, but not at the expense of public safety or national security. The provisions included in section 414 of this bill ensure that the impacts of Cape Wind's potential development on the citizens of Massachusetts and the rest of the country will be evaluated fairly and appropriately by those who have the expertise to make a final determination on how best to mitigate any adverse effects. I urge my colleagues to act swiftly to pass the Coast Guard and Maritime Transportation Act of 2006.

Mr. WARNER. I further ask that when the Senate receives from the House a message that the House agrees to S. Con. Res. 103 and the conference report to accompany H.R. 889 is received from the House, the conference report be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 12

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 4 p.m. on Monday, June 26, the Senate proceed to the consideration of Calendar No. 473, S.J. Res. 12, relating to the desecration of the flag for debate only during Monday's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 713, Nos. 716 through 734, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION

Jon T. Rymer, of Tennessee, to be Inspector General, Federal Deposit Insurance Corporation.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James N. Soligan, 8751

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Garbeth S. Graham, 5388

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Robert B. Bailey, 8474
Brigadier General William H. Etter, 7521
Brigadier General Douglas M. Pierce, 9562
Brigadier General Jose M. Portela, 4065
Brigadier General Donald J. Quenneville, 4967
Brigadier General David A. Sprenkle, 8992

To be brigadier general

Colonel Steven L. Adams, 9518
Colonel Robert L. Boggs, 8430
Colonel Peter A. Bonanni, 6859
Colonel Timothy J. Carroll, 4414
Colonel Timothy J. Cossalter, 0715
Colonel Michael L. Cunniff, 4997
Colonel James E. Daniel, Jr., 8973
Colonel John M. Del Toro, 5382
Colonel Gregory A. Fick, 0160
Colonel Steven J. Filo, 2097
Colonel Robert V. Fitch, 6866
Colonel William E. Hudson, 4783
Colonel Cora M. Jackson-Chandler, 5301
Colonel Richard W. Johnson, 7574
Colonel Gary T. Magonigle, 6681
Colonel Craig D. McCord, 0761
Colonel Kelly K. McKeague, 6016
Colonel Thomas R. Moore, 5457
Colonel John D. Owen, 4194
Colonel Deborah S. Rose, 7097
Colonel Gregory J. Schwab, 0577
Colonel Jonathan T. Treacy, 2942
Colonel Charles E. Tucker, Jr., 0285
Colonel Roy E. Uptegraff, III, 9155
Colonel Edwin A. Vincent, Jr., 7198
Colonel James C. Witham, 0100

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the

Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Timothy J. Wright, 9146

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert Wilson, 1235

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated Under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Raymond C. Byrne, Jr., 5792

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Edward H. Ballard, 0250
Brigadier General Michael W. Beaman, 0589
Brigadier General Floyd E. Bell, Jr., 4755
Brigadier General Nelson J. Cannon, 2178
Brigadier General Craig N. Christensen, 3064
Brigadier General John T. Furlow, 1754
Brigadier General Frank J. Grass, 4493
Brigadier General Larry W. Haltom, 3555
Brigadier General Vern T. Miyagi, 2805
Brigadier General Herbert L. Newton, 4019
Brigadier General Lawrence H. Ross, 5226

To be brigadier general

Colonel Timothy E. Albertson, 1120
Colonel Mark E. Anderson, 1801
Colonel Stephen M. Bloomer, 0737
Colonel Maria L. Britt, 6771
Colonel James K. Brown, Jr., 4981
Colonel Paul E. Casinelli, 3353
Colonel Keith W. Corbett, 9576
Colonel Bret D. Daugherty, 7838
Colonel David M. DeArmond, 0169
Colonel Lawrence E. Dudley, Jr., 1872
Colonel Gregory B. Edwards, 8242
Colonel David J. Elicerio, 3002
Colonel Philip R. Fisher, 9702
Colonel Gary M. Hara, 0631
Colonel Russell S. Hargis, 2104
Colonel Charles A. Harvey, Jr., 4109
Colonel Carol A. Johnson, 1201
Colonel Joseph P. Kelly, 1566
Colonel Chris F. Maasdam, 9151
Colonel Michael C.H. McDaniel, 5186
Colonel Patrick A. Murphy, 0096
Colonel Mandi A. Murray, 7323
Colonel Michael R. Nevin, 0524
Colonel Manuel Ortiz, Jr., 6712
Colonel Terry L. Quarles, 8676
Colonel Michael G. Temme, 8231
Colonel Steven N. Wickstrom, 0393

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. James N. Mattis, 7981

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

TO BE REAR ADMIRAL

Rear Adm. (lh) Elizabeth A. Hight, 7307

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Mark D. Harnitchek, 5185

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624: